

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Hester Gasque, individually and as)	
mother and legal guardian of)	Civil Action No: 4:07-cv-01765-RBH
Leroy Gasque, her minor son)	
)	
Plaintiffs,)	
vs.)	
)	ANSWER TO COUNTERCLAIM
Williamsburg County School District,)	
Samuel Giles, in his individual capacity,)	
and Ralph C. Fennell, Jr. in his individual)	
capacity, and Ernestine Young,)	
in her individual capacity,)	
)	
Defendants.)	
_____)	

Hester Gasque, answering the Counterclaim of Defendant Ernesting Young, would allege and say:

1. That each and every allegation which is not specifically admitted is expressly denied.
2. That the Plaintiff reiterates all of her allegations contained in her Amended Complaint.

FOR A FIRST DEFENSE

3. That as to Counterclaim Paragraph 1, the first paragraph to which a response is required, Gasque admits the same.
4. That Gasque denies the allegations contained in Counterclaim Paragraph 2 and demands strict proof thereof.

5. That Gasque denies the allegations contained in Counterclaim Paragraphs 3, 4, 5, 6 and 7 and demands strict proof thereof.

6. That as to the allegations contained in Counterclaim Paragraph 8, Gasque craves reference to Paragraphs 1 - 5 above.

7. That Gasque denies the allegations contained in Counterclaim Paragraphs 9, 10, 11 and 12 and demands strict proof thereof.

**FURTHER ANSWERING THE SAID COUNTERCLAIM,
AND AS A FURTHER AND AFFIRMATIVE DEFENSE THERETO,
GASQUE ALLEGES AND SAYS:**

8. That Young's allegations constitute a fraud upon the Court.

**FURTHER ANSWERING THE SAID COUNTERCLAIM,
AND AS A FURTHER AND AFFIRMATIVE DEFENSE THERETO,
GASQUE ALLEGES AND SAYS:**

9. That the two causes of action pled in Young's Counterclaim do not state facts sufficient upon which relief can be granted.

**FURTHER ANSWERING THE SAID COUNTERCLAIM,
AND AS A FURTHER AND AFFIRMATIVE DEFENSE THERETO,
GASQUE ALLEGES AND SAYS:**

10. That the publication regarding Young is privileged in that it was (a) taken from an official public report (Judge Garfinkel's Order of October 31, 2007); and (b) only information gleaned from that report that was made part of the pleadings. Other privileges apply.

**FURTHER ANSWERING THE SAID COUNTERCLAIM,
AND AS A FURTHER AND AFFIRMATIVE DEFENSE THERETO,
GASQUE ALLEGES AND SAYS:**

11. In that Gasque only obtained the information from the Family Court Order, contrary to the accusations contained in Young's Counterclaim, there has been an FRCP Rule 11 violation in the assertion of the claims contained therein.

**FURTHER ANSWERING THE SAID COUNTERCLAIM,
AND AS A FURTHER AND AFFIRMATIVE DEFENSE THERETO,
GASQUE ALLEGES AND SAYS:**

12. That the said Counterclaim violates the provisions of the S.C. Frivolous Proceedings Act.

WHEREFORE, Gasque, answering the Counterclaim of the Defendant Young, hereby requests that the same be dismissed, with costs and attorneys fees assessed against the Counterclaiming Defendant and her attorneys, including sanctions.

Respectfully submitted:

By: /s/ Lawrence C. Kobrovsky
Lawrence C. Kobrovsky, FED ID#: 5294
PO Box 1726
Charleston, SC 29402
PH: (843) 853-3703
FAX: (843) 853-2331

And

By: /s/ Stephen F. DeAntonio
Stephen F. DeAntonio, FED ID#: 1049
DeAntonio Law Firm, LLC
11 Broad Street
P.O. Box 815
Charleston, SC 29402
PH: (843) 577-8080
FAX: (843) 577-4188

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Charleston, South Carolina